

REMARKS

Claims 1, 5, 7, 9 and 11 and 12 were pending in the subject application, with claims 1 and 9 being in independent form. The application has been reviewed in light of the Office Action dated March 1, 2010. Claims 1 and 9 have been amended. Claims 11 and 12 have been canceled. It is submitted that no new matter has been added and no new issues have been raised by this Amendment. Accordingly, claims 1, 5, 7 and 9 will be pending upon entry of this Amendment.

Claims 1, 5, 7, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly obvious from U.S. Patent 6,524,251 to Rabiner et al. in view of U.S. Patent 5,954,637 to Francis. Applicants note that independent claims 1 and 9 have been amended to incorporate the feature recited in previously pending claims 11 and 12, respectively. Applicants have carefully considered the Examiner's comments and the cited art, and have amended claims 1 and 9 to incorporate the feature recited in previously pending claims 11 and 12, respectively. Applicants respectfully submit amended independent claims 1 and 9 are patentable over the cited art, for at least the reasons presented in Applicants' Amendment filed November 6, 2009.

As discussed in Applicants' November 6, 2009 Amendment, the housing half sections 110, 110b disclosed in Francis include pins and a tongue and groove arrangement to prevent the passage of fluids within the housing 102 during and subsequent to sterilization. In addition, the snap lock engagement 121, 119 disclosed in Francis is to "secure the housing halves together" (col.4, lines 58 and 59) and not to provide a removable mechanism. This is also evidenced by the disclosure that "[a]dditional adhesives or sealants may be disposed between ribs 120 and grooves 118, and/or pins 121 and recesses 119" (col.4, lines 59-61). Nowhere does Francis teach or suggest that the disclosed snap

lock engagement allows the housing parts to be disengaged for sterilization as claimed. On the contrary, the snap lock engagement as disclosed in Francis actually teaches away the parts capable of being removed from the outer tube and disengaged from each other for sterilization/disinfecting purposes, as recited in independent claims 1 and 9.

Furthermore, Applicants respectfully submit that contrary to the Examiner's assertion, the feature recited in previously pending claims 11 and 12 is not taught or suggested by the cited art. Specifically, the combined disclosure of the cited art does not teach or suggest that "the longitudinal groove for the insertion of the surgical instrument extends at least long enough along the length of the completely or partially circular part so that during use, a first end of the longitudinal groove is outside the human body and a second end of the longitudinal groove is inside the human body so that the surgical instrument can be inserted from outside the human body and into the human body via the longitudinal groove," as now recited in amended claims 1 and 9. Rabiner et al., at col. 9, lines 14-15 as cited by the Examiner, merely discloses that "aspiration of tissue debris is effectuated along the probe length between the interior surface of the sheath and the exterior surface of the probe".

Accordingly, Applicants submit amended independent claims 1 and 9, as well as their respective dependent claims, are now in condition for allowance.

No fee, other than the \$2,350.00 for the extension of time and the \$810.00 for filing the RCE, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.


If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,



Tonia A. Sayour
Registration No. 58,404
Attorneys for Applicants
Customer No. 23432
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400

<p>Certificate of Transmission</p> <p>I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on <u>June 16, 2011</u>.</p> <p> _____ Mike Lin</p>
